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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
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P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|------------------------|------------------|
| Application Number | 09/763,210 |
| Filing Date | October 16, 2001 |
| First Named Inventor | Shian-Jiun Shih |
| Art Unit | 1632 |
| Examiner Name | J.J. Epps Ford |
| Attorney Docket Number | P27073 USA |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____

b. ☒ Enclosed

- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Petition for One-Month Extension of Time

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

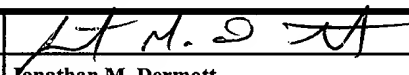
The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments to Deposit Account No. 19-5425. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature



Date

October 13, 2006

Name (Print / Type)

Jonathan M. Dermott

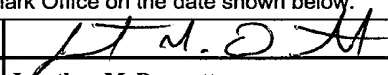
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48,608

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or ~~facsimile~~ transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature



Name (Print / Type)

Jonathan M. Dermott

Date

October 13, 2006

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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October 13, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re/ Application of Shian-Jiun Shih,
Karen R. McGlennon, and Dewey Moody
Application No. 09/763,210
Filed October 16, 2001

Examiner J.L. Epps Ford
Group Art Unit 1632
Confirmation No. 2753

Adenovirus Formulations for Gene Therapy

(Atty. Docket No. P27073 USA)

FILED ELECTRONICALLY ON October 13, 2006

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Reply Under 37 C.F.R. §1.114 to Office Action, Dated June 13, 2006

Sir:

In response to the Examiner's Action, dated June 13, 2006, Applicants amend as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.